

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

QUINTON BIRDINGROUND, JR.,

Defendant/Movant.

Cause No. CR 03-17-BLG-SPW

ORDER TO UNITED STATES
TO FILE ANSWER

This matter comes before the Court on Defendant/Movant Birdinground's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. The defendant is a federal prisoner represented by Assistant Federal Defender David Ness.

Defendant seeks relief under *Johnson v. United States*, __ U.S. __, 135 S. Ct. 2551 (2015). The Court has reviewed the motion. *See* Rule 4, Rules Governing § 2255 Proceedings. An answer is required.

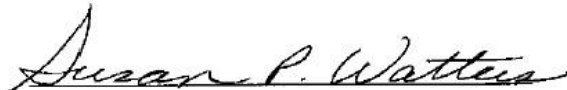
Accordingly, IT IS HEREBY ORDERED as follows:

1. On or before **August 4, 2016**, the United States shall file an answer to the § 2255 motion. The answer shall respond to the allegations on the merits and shall raise and brief any and all defenses the United States wishes the Court to consider. Defenses not raised will be deemed waived. The United States may file a motion

to dismiss if it believes there are procedural grounds for dismissal, but it may not file a motion to dismiss in lieu of an answer.

2. Unless a protective order is entered pursuant to *Bittaker v. Woodford*, 331 F.3d 715 (9th Cir. 2003) (en banc), counsel for the United States shall not seek or accept disclosure of confidential information from Defendant's previous counsel.

DATED this 27th day of June, 2016.

A handwritten signature in cursive script, reading "Susan P. Watters".

Susan P. Watters
United States District Court